in the manufacture and distribution of actual hard goods in our national economy.

It really does not matter in the American system whether or not goods are manufactured in South Carolina and sold in the State of Washington or in the State of Minnesota, or manufactured in the State of Minnesota or Washington and sold in South Carolina. Almost every significant manufacturer sells its goods in every State in the country. As a consequence, the burden of a legal system which encourages litigation in which results are likely to be dramatically different in one State than in another—a fact, incidentally, known to most trial lawyers who see, obviously, the most favorable forums for their litigation—calls for a degree of uniformity. The desire that American industry be more competitive, the desire that American industry spend freely on research, the desire that American industry develop products as a result of that research, the desire for the kind of competition which causes lower prices to consumers is obviously in the national interest. When it has been demonstrated so dramatically that the present system discourages research and development, it causes many manufacturers that abandon particular fields, sometimes totally and sometimes leaving them to monopolies or quasimonopolies. When consumer prices in certain areas are so adversely affected, it is appropriate that we seriously consider whether or not we cannot consistently, with justice, provide for a more uniform system than we have at the present time.

Does this bill entirely nationalize it? No, of course not. It would be inappropriate to do so. Does it make it more uniform? Yes, Mr. President, it does. That has no more relevance to whether or not we should continue to maintain a nationalized welfare system or perhaps a myth that it has been a failure and that we need State experimentation. There is no relevance between the two. Each should be judged on its own merits. This should be judged on its own merits. And to say that there are somehow or another seventh amendment of the Constitution implications, again, Mr. President, seems to me to be an equally bizarre argument.

Every jury is subject to the law. Every jury is instructed as to what the law is. Juries are instructed on the degree of the burden of proof and the like, and juries determine facts. Nothing, not one line, not one phrase of this bill, deprives any jury of the right to determine matters of fact which come before it. It sets up a framework—we believe a just and balanced framework—for one relatively small but vitally important field of litigation, perhaps the single field of litigation in which interstate commerce is most implicated. It does that, and it does that in a way which does not deny justice or full compensation for any injury subject by reason of the negligence of a manufacturer, Mr. President.

There are no caps in this bill on compensation, on compensatory damages of any kind. But it does make somewhat more predictable the course of litigation, somewhat lowers the cost of litigation. And, Mr. President, I suspect that no actual victim is likely to suffer at all. But I am convinced that the transaction costs for lawyers and expert witnesses and the like, which now eat up way more than half of all of the money that goes into the product liability system, that those transactional costs will be significantly lessened by the passage of this bill.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. I ask unanimous consent that the privilege of the floor be granted to the following members of the Senators staffs. I send the list to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, what you have is, as the Senator from Washington just talked about, punitive damages. You have a procedure whereby you might have willful misconduct, but under this particular section, 107(2):

> Inadmissibility of evidence relative only to a claim of punitive damages in a proceeding concerning compensatory damages. If either party requests a separate proceeding under paragraph (1), in any proceeding to determine whether the claimant may be awarded compensatory damages, any evidence that is relevant only to the claim of punitive damages as determined by applicable State law, shall be inadmissible.

That tells you they have really worked this measure over, and they want to keep out the evidence in the regular trial of a case of willful misconduct. They want to keep that out of the attention of the jury hearing the case.

Right to the point of punitive damages, Mr. President. I have listened to Jonathan S. Massey, an attorney who testified in our recent hearings as having handled punitive damage awards before the U.S. Supreme Court. I asked him, ''You know, I was just thinking that the award of punitive damages in the Pennzoil versus Texaco case of $3 billion in punitive damages, how did that compare to all product liability cases?''

Just go back 30 years to 1965 and see what we really can find out. I ask unanimous consent to have printed in the RECORD a letter to me, along with punitive damage awards from 1965 to the present.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 13, 1995.

Hon. ERNEST F. HOLLINGS,
U.S. Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR SENATOR HOLLINGS: At the hearing on April 4, 1995 before the Consumer Affairs, Foreign Commerce, and Tourism Committee of the Committee on Commerce, Science, and Transportation on S. 565, the Product Liability Fairness Act of 1995, you asked me to compare the $3 billion in punitive damages awarded in the *Pennzoil* v. *Texaco* case with the sum of punitive damage awards in all product liability cases since 1965.

The attached pages show that punitive damage awards in products liability cases since 1965 come to a fraction of the $3 billion figure. For products liability cases in which the punitive damage award is known, the total comes to $953,073,079. There are 109 additional cases in which the punitive damage award was not reported by the court or either party, most likely because it was not large. If one were extrapolate for those 109 cases by taking the average award in cases in which the punitive award is known—which would err on the side of inflating punitive damage awards in products liability cases—the total of punitive damage awards in all products liability cases—the total of punitive damage awards in all products liability cases since 1965 would come to only $1,337,832,211—less than half the award in *Pennzoil* v. *Texaco*.

I hope this information is of assistance.

Sincerely,

JONATHAN S. MASSEY.

PRODUCT LIABILITY PUNITIVE AWARDS, 1965–PRESENT

AL, 20 cases, $58,604,000; 9 additional cases with unknown amounts.

AK, 2 cases, $2,520,000; 1 additional cases with unknown amounts.

AZ, 6 cases, $3,362,500; 3 additional cases with unknown amounts.

AL, 1 cases, $25,000,000; 0 additional cases with unknown amounts.

AK, 1 cases, $1,000,000; 0 additional cases with unknown amounts.

AR, 2 cases, $6,000,000; 3 additional cases with unknown amounts.

CA, 17 cases, $35,854,281; 9 additional cases with unknown amounts.

FL, 1 cases, $1,000,000; 0 additional cases with unknown amounts.

CT, 1 cases, $688,000; 0 additional cases with unknown amounts.

FL, 1 cases, $519,000; 0 additional cases with unknown amounts.

CA, 4 cases, $3,618,653; 0 additional cases with unknown amounts.

FL, 1 cases, $750,000; 0 additional cases with unknown amounts.

CA, 3 cases, $2,425,000; 0 additional cases with unknown amounts.

CO, 3 cases, $7,350,000; 1 additional cases with unknown amounts.

CT, 0 cases, $0; 1 additional cases with unknown amounts.

DE, 2 cases, $75,120,000; 0 additional cases with unknown amounts.

FL, 26 cases, $40,607,000; 9 additional cases with unknown amounts.

CA, 1 case, $30,000; 0 additional cases with unknown amounts.

FL, 2 cases, $3,500,000; 0 additional cases with unknown amounts.

GA, 10 cases, $43,378,333; 3 additional cases with unknown amounts.

HI, 1 case, $11,250,000; 0 additional cases with unknown amounts.

ID, 0 cases, $0; 1 additional case with unknown amounts.

IL, 16 cases, $44,149,827; 3 additional cases with unknown amounts.

MN, 1 case, $7,000,000; 0 additional cases with unknown amounts.

IL, 3 cases, $5,000,000; 0 additional cases with unknown amounts.

IN, 1 case, $500,000; 0 additional cases with unknown amounts.

IA, 1 case, $50,000; 2 additional cases with unknown amounts.

KS, 7 cases, $47,521,500; 1 additional case with unknown amounts.
KY, 2 cases, $6,500,000; 0 additional cases with unknown amounts.
LA, 2 cases, $8,171,885; 0 additional cases with unknown amounts.
ME, 3 cases, $5,112,500; 0 additional cases with unknown amounts.
MD, 3 cases, $77,200,000; 2 additional cases with unknown amounts.
MI, 2 cases, $400,000; 0 additional cases with unknown amounts.
MN, 4 cases, $10,000,000; 1 additional cases with unknown amounts.
MS, 4 cases, $2,790,000; 1 additional cases with unknown amounts.
MO, 9 cases, $20,785,000; 1 additional cases with unknown amounts.
MT, 2 cases, $1,600,000; 1 additional cases with unknown amounts.
NV, 1 cases, $40,000; 1 additional cases with unknown amounts.
NJ, 4 cases, $900,000; 5 additional cases with unknown amounts.
NM, 4 cases, $1,715,000; 1 additional cases with unknown amounts.
NY, 7 cases, $6,019,000; 6 additional cases with unknown amounts.
NC, 2 cases, $4,500,000; 0 additional cases with unknown amounts.
OH, 6 cases, $4,395,000; 1 additional cases with unknown amounts.
OK, 6 cases, $15,390,000; 1 additional cases with unknown amounts.
OR, 3 cases, $62,700,000; 0 additional cases with unknown amounts.
PA, 5 cases, $16,298,000; 8 additional cases with unknown amounts.
RI, 1 case, $9,700,000; 0 additional cases with unknown amounts.
SC, 5 cases, $2,945,500; 4 additional cases with unknown amounts.
RI, 1 case, $100,000; 0 additional cases with unknown amounts.
SD, 1 case, $2,500,000; 0 additional cases with unknown amounts.
TN, 4 cases, $4,720,000; 3 additional cases with unknown amounts.
TX, 38 cases, $217,098,000; 19 additional cases with unknown amounts.
UT, 1 case, $300,000; 0 additional cases with unknown amounts.
VA, 2 cases, $340,000; 0 additional cases with unknown amounts.
WV, 3 cases, $2,433,100; 4 additional cases with unknown amounts.
WI, 7 cases, $10,622,000; 4 additional cases with unknown amounts.
FL, 1 case, $2,500,000; 0 additional cases with unknown amounts.
WI, 2 cases, $26,000,000; 0 additional cases with unknown amounts.
DC, 1 case, $2,500,000; 0 additional cases with unknown amounts.
Grand total 270 cases, $953,073,079; 109 additional cases with unknown amounts.
Average punitive award; $3,529,900; Extrapolated total of all awards, $1,337,832,211.

Mr. HOLLINGS. Mr. President, that goes right to the heart of what they are really concerned about. They are concerned about these manufacturers making more money. They are not concerned about punitive damages. If they were concerned about punitive damages—and we will list, when we have more of the Senators in town here that are not present here on this Monday afternoon, we will list the punitive damage awards with respect to these corporations suing corporations.

My understanding of punitive damages is willful misconduct. But if there is an abuse of the awards of punitive damages to justify this national concern, it would be at the manufacturer or the business or the contract level, not that of individuals injured on account of the defective product bringing their cases in tort for product liability. There is no question about it.

Now, the distinguished Senator points out how he is concerned about consumers. He says this money goes to consumers, consumers, consumers. I refer to the distinguished chairman of our Judiciary Committee, the Senator from Utah, my good friend, for whom I have the greatest regard.

We have listed and already put into the RECORD certain organizations, and among those organizations opposing S. 565, is the American Council on Consumer Awareness, the Arizona Consumers Council, the Coalition for Consumer Rights, the Consumer Federation of America, Consumer Federation of California, Consumers for Civil Justice, Consumers League of New Jersey, Consumer Protection Association, Consumers Union, Florida Consumer Action Network, Massachusetts Consumer Association, Michigan Consumer Federation, the National Consumers League, the New York Consumer Assembly, the Oregon Consumer League, Pennsylvania Citizens Consumer Council, and it goes right on down to Virginia Citizens Consumer Council. I can keep reading on and on.

Every responsible consumer organization in this country opposes this bill. So we should not say that we are trying to protect consumers with this particular measure. The sponsors are trying to make more money for the manufacturer. They are not looking after consumers. Consumers know differently.

As the distinguished Senator from Utah points out in his studied presentation, in the prepared comments—I know, as the Senator knows, how we get these prepared comments. Senators tell the staff—and he has a Judiciary Committee staff and a personal staff—''Get out and find the most horrendous cases. I want to take these trial lawyers and put them to rout, and I want to find the most egregious kind of claims that can be thought of so in my prepared remarks I can show there is a national need.''

Heavens above, look what he comes up with. If I try a law case I would win before a fair jury.

This is a fixed jury, the U.S. Senate, Mr. President. This jury is fixed. We have 60,000 lawyers downtown here—billable hours—they come in and lobby for fixes. But if I had an unfettered jury and found out that the best of the best, the chairman of our Judiciary Committee, that conducted hearings, came up with the milk shake case of 1994 and found out it went all the way to the Supreme Court of New Jersey against McDonald's, and they were vindicated, that tells me that there is an incompetent lawyer or he has nothing else to do. I know unless I have a pretty good, strong case, I am not going to be bringing suits and appealing all the way about ''a milk shake that popped the top open as I put it between my legs as I drove off from McDonald's.'' I have real work to do.

That case is in my favor. That shows the law is working, and it is working in the State of New Jersey. One other case he had, and that was a New York State case in 1989, and again the defendant was vindicated.

Now, is that the best they can bring to the U.S. Senate on a national need? Come on here, we can cite cases like contracts, if we want to. We will list a few of them. We have that, if that is the basis on which they want to argue.

Here in 1989 Uncle Ben's sued General Foods over advertisements claiming that Minute Rice outperformed Uncle Ben's in the slotted spoon test.

In 1989, Walt Disney Co. sued to force a public apology from the Academy of Motion Pictures, Arts, and Sciences, for an unflattering representation of Snow White in the opening sequence of the 1989 Academy Awards ceremony.

In 1987, Kellogg filed a $100 million suit against General Mills arguing that Post natural raisin bran was not natural as advertised because it is coated with coconut oil and that comparative television ads were misleading because ''extraneous material that would cling to the raisins had been cleaned off.'' Here is Kellogg suing General Mills. People here are talking about individuals bringing ridiculous suits—look at these cases here. I think we ought to look at these manufacturers.

Mr. CRAIG assumed the chair.

Mr. HOLLINGS. In 1986, the producer of Minute Maid Orange Juice, Coca-Cola, sued Procter & Gamble, charging that ads for Citrus Hills Select falsely claimed that the juice was made from the heart—heart—of the orange.

In 1982, McDonald's sought a temporary restraining order to prevent the airing of ads comparing McDonald's Big Mac unfavorably with the Burger King's Whopper.

Come on. Is that what we are going to consider? We have work to do up here. The plea here about the interstate commerce clause, taken at the Senator's insistence, just repeals the 10th amendment and the responsibility of the several States for tort litigation. I agree with him. I agree with him. Let us extend the interstate commerce clause. But let us extend it to insurance companies which are, all of them, engaged in interstate commerce. I had one, an insurance company before the Securities and Exchange Commission. I guess the year was around 1960 or 1961. I know Manny Cohen was the Chairman of the Securities and Exchange Commission. And I asked that that company be able to operate in several States. I got it approved in 13 days. I know about interstate commerce and insurance.

I can tell you here and now, you put in a bill—if you want to see the insurance lawyers all fill up that hall outside, put in there, under the interstate

commerce clause, an Insurance Commission for the United States of America, and say, ''Quit having to file your policies and hire lawyers racing around to the capitals of 50 States, every one of your policies must be justified and administered in that particular State under that particular law; what we are going to have is uniformity. We are going to have a Federal Insurance Commission.'' Oh boy, talk about acting under the interstate commerce clause—you will see them fight it.

We have to expose this fraud that has been going on for 14 to 15 years. Jerry Ford was right. President Ford put it to the study commission and he said leave it to the States. In the 15-year period, the States have all acted and they have revised their laws and come up with responsible provisions as time evolves with respect to the conduct of product liability litigation. But it is certainly not a national problem. This thing about competitiveness, it is just totally out of whole cloth.

I have been in the game, and we can name the industries, one after the other. Not long ago, I was at Bosch, which is a German company that is located just outside of my hometown of Charleston, SC. They have a 10-year contract to make the antilock brakes for all the General Motors cars. They make the antilock brakes for the Toyota; they make the antilock brakes for the Mercedes-Benz—foreign cars as well as domestic.

When you go in to inspect their plant, they put covering over your shoes and a smock all the way around that you have to wear over your clothing, and a headpiece to make sure no dust or any kind of solutions come from your hair into their particular product. In fact, it is much like going through a pharmaceutical company, or film. Incidentally, I got Fuji Film in South Carolina, and Fuji Film from Japan is now doubling the size of their plant. They have had one there for the last 10 years. Now they are doubling the size. They are not worried about product liability.

But I turn to the Bosch man—because we are awfully proud. I put in a system for technical training and have expanded upon it by sending my teams, having graduated, to Munich, Germany, where they—in this particular case, Stuttgart—go over the German apprenticeship system and then instruct the employees in the German apprenticeship system in my own backyard.

I know about productivity. I said to the gentleman who is the head of Bosch there, ''What about product liability?''

He said, ''Senator, what is that?''

I said, ''Product liability claims; have you had any claims against any of these antilock brakes for defective brakes?''

''Oh, no, no,'' he said. ''We have never had a claim.''

He said, ''If we did—'' he reached over and pulled one off the line. He said, ''Do you see this little number?'' He said, ''We mark every one of those brakes on every wheel on a car. We have a number. We would know immediately, if there was a defect, where it comes from.''

That, Mr. President, is the quality production that has been brought about by trial lawyers. They can cuss them; they can fuss. They can talk about getting the fees. These cases read by the distinguished Senator from Utah, the two cases he had, one in New York, for the supermarket; and in New Jersey, for McDonald's—those lawyers did not get a red cent. They wasted 3 years in time. Lawyers do make mistakes. I guess they made a mistake. But do not put that down as a reason for nationalization of product liability up here at the Washington level.

What happens here is that we have quality production. Companies have come south to my State, having learned you have to really be outgoing toward your employee force—I have watched with a certain amusement over the years, where we called them workers; then we called them employees; now we have to call them associates. You do not dare refer to the work force other than as associates. Rather than the head of the plant parking right up at the front door, they have the Associate of the Month. He parks up at the front door, or she parks up at the front door, and the manager of the plant parks way down in the boondocks. They know how to do it.

When they eat—and I have eaten in these restaurants; they do not have a Senators' eating place, and the regular folks eating otherwise, like we have here. Oh, no; this is not on productivity up here. They all eat in the same restaurant. Yes, we know about productivity.

All of that has come about by not only the treatment of the work force on the one hand, but the absolute care that has come about in relation to the Occupational Safety and Health Act: safe machinery; safe working place; and, yes, the assumption that the product, for whatever particular use it is designated, is going to be a safe product. We can count on that. That housewife does not have to run home and test it on her children and see if it is going to blow up in their faces or make them sick or any of those other things. We count on it in our society and it has worked and is working, and is working well.

To come now with this charade here that has been going on for 14 years, because they can grab us Senators up in campaigns and say, ''Are you for or against product liability?'' and get 15 organizations, the Business Roundtable, the chamber of commerce, and they are all coming in and saying, ''Are you going to be for that product liability?'' Product liability? You are interested in votes, and trying to move on and get something done. And so, yes, you say so, and that ends that. And I am having to talk against a fixed jury.

But I hope some of them are listening and someone will engage in the debate as we have over the past 15 years so that we can hold up this bad mistake. Because if we make this mistake relative to product liability, then we should federalize medical malpractice; we should federalize automobile wreck cases; we should federalize the whole thing. Then we will have to build some more courthouses.

I think we just cut the construction money for courthouses. But let us—in the name of trying to bring down the size of the Government here in Washington, and the bureaucracy—let us build some more courthouses. Let us get some more Federal judges. We can all give them a lifetime job, we Senators. And we can have more clerks of court. Man, I am telling you, we have a growth industry up here. The best way I know to get this growth industry going is to federalize product liability.

It is a sham. It is a bad mistake. The American Bar Association opposes it absolutely. They came up again and testified against it. All the different consumer organizations are against it. Yet the sponsors come here and act like they are for the consumers. They know differently. The State legislatures that handle this problem, the Conference of State Legislatures, testified against it; the Conference of State Supreme Court Justices is against it.

Later on I will include in the RECORD more than 100 deans and law professors from over the entire country who will go into detail and analyze this particular bill, and show how instead of this really giving uniformity it gives complexity, and how, instead of saving money and the procedures and the bureaucracy, it increases it. And if they have such a thing as the lawyers' full employment act, this would be the one because you have all kinds of motions to make now under this particular bill and meetings to be had, and everything else of that kind at the Federal level and at the State level. It is just fundamentally flawed; bad law. They know it, and they try to doctor it up so they can get this into a particular conference committee. And then, of course, go right into what they call the English rule that they have over in the House bill.

That really shows how garish this Congress can get; to take a system where people without means can have their day in court in civil litigation and now are going to be denied, which I myself have taken on as a trial lawyer. Let me divert for a second.

Let me say I represented the bus company or the South Carolina Electric and Gas. So I represented the defendant in numerous cases of tort claims as well as plaintiff. But tell the average citizen who cannot pay for billable hours, and tell them they have no claim? And, yes. We had the contingent basis whereby, as I reiterated and I reiterate because I cannot emphasize it too much, I take on the cost as a

trial lawyer. I assume that for the investigation, for the interrogatories, for the discovery proceedings, for the actual trial, the settlement, conferences that we had, the actual trial of the case, the appeal, the printing of the briefs, the appearances, the entire time spent. Yes. These cases take—in serious cases—2 or 3 years to get them finally determined. This trial lawyer assumes all of those costs. If I win, I get a third. If I lose, I get nothing. I paid those costs. That is the system that has worked.

If you are going to have the loser pay all, I am going to say, ''Now, wait a minute. I have a wife and children. Now I have grandchildren. I like to help. But unless you can get me a bargain and assume the cost, I cannot go totally broke in this business. I have to have you take care of the costs in case we don't prevail. I think you have better than an even chance to prevail.''

However, I never can tell in the draw of a jury. That is what Judge Ito is having to deal with now, the mindset of jurors. I cannot tell the mindset. They could come in with selection of a jury, and I not know it and they have some peculiar feel or prejudice, and I get 11 but I do not get that 12th juror. I end up losing the case, and I have to pay it all. I think that at least you ought to be able to take care of your costs if you believe in your case that much. Yes. That is the day in court, the trial jury.

The distinguished Senator from Washington says they all get their trial by jury. But you read this bill based on what evidence can be submitted, you read the test to be used and the thrust that they have and how they allocate some of these provisions not to manufacturers. You can read on page 36, line 7, ''actions excluded.'' Here is the unmitigated gall of this draftsmanship.

Actions for damage to product or commercial loss, a civil action brought for loss of, or damage to, a product itself, or for commercial loss, shall not be subject to the provisions of this title governing product liability actions but shall be subject to any applicable commercial or contract law.

The States have their volition as to the Uniform Commercial Code and how much and how they interpret it. They have their volition in the 50 States as to contract law. Yes. When it comes to manufacturers under this particular section, yes. We believe in States' rights there. But when it comes to injured parties, you do as we say to do. They talk about a fair and balanced reasonable bill. Come on. They know better. They can read. We pointed this out at the hearings. They had no excuse for it. We pointed it out at the markup. They continue to insist upon it, and we will have amendments. We will have to come along I guess, if they get cloture because they do not want to have debate. They will have to have these amendments and we will have to vote on them.

But I think the original document itself is a pretty good example of what they have in mind. It is not a balanced bill. They had no caps heretofore in previous Congresses on punitive damages. They have it in this one. They say they are going in a reasonable fashion, a more restrictive fashion. They have the misuse provision in here now that they never had before in the three previous Congresses. We will be able to go down on those things and see if they want to insist upon them.

But I can tell you what we ought to do, in this Senator's opinion, is table this bill and move on to those problems that are national problems. The State of Idaho is looking out for its people. It has a Governor. It has a legislature. It has juries that are sworn to listen to the facts and bring in a verdict in accordance with the facts. It has the option of the trial judge to set aside punitive damages, to restrict the actual damages.

I am sure the States of Idaho, South Carolina, and Washington would much rather have its law than a national law up here wherein they think, yes, with the Contract With America crowd in town, that we are going to start being conservative. I can tell you here and now, that might last for a little while. But after a few years go you are going to find the liberal National Government—which has been persistent throughout the years as compared to the State government, State law, and State practices in tort, and with respect to criminal law and otherwise—you are going to find there is a much more conservative government at the State level, and more responsible in my opinion, than the National Government.

We do not have a national problem. That is the point. Yet. They have really been on a roll up here for big industry and against the individuals. They know how to handle the lawyers downtown.

I hope to have perhaps an amendment on the interests of companies. Perhaps we ought to have that, and maybe some of my distinguished colleagues would like to sponsor an amendment on billable hours in addition to caps on punitive damages. Let us have caps on billable hours here in this town. Let us see if that lawyer crowd that is out trying to fix the U.S. Senate can go back to work and try their cases in court before a jury of 12 jurors without meddling with the State precedents here in the United States.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 80TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, every year at this time, people of Armenian descent throughout the world commemorate the anniversary of the genocide perpetrated against the Armenian people between 1915 and 1923. This tragedy is one of the most horrible in the history of humankind, yet it is often overlooked.

Eighty years ago today, on April 24, 1915, the Ottoman Empire launched a systematic campaign to eradicate the Armenian people from Ottoman territory. In that year, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, and murdered. During the next 8 years, an estimated 1.5 million Armenians were killed through executions, during death marches, or in forced labor camps. Many women, children, and elderly people were raped, tortured, or enslaved. In addition to those killed, an estimated 500,000 Armenians were exiled from the Ottoman Empire, many of whom found their way to freedom in the United States.

Recently, the campaigns of ethnic slaughter in the former Yugoslavia and Burundi have focused much attention on crimes against humanity. Silence in the face of genocide effectively encourages those who would commit such atrocities in the future. As the horrors in Bosnia and Burundi demonstrate, ethnically based campaigns of murder are still possible, even as the world approaches the 21st century.

Mr. President, despite a long history of persecution and tragedy, the Armenian people have demonstrated remarkable moral strength, resilience, and pride, as demonstrated by the successes of Armenian-Americans and the great contributions they have made to our society. These qualities are also evident in the effort of the newly independent state of Armenia to build a prosperous and democratic country after decades of Soviet oppression, and despite the ongoing conflict with Azerbaijan—an effort which I personally witnessed when I visited Armenia in January 1992.

During the last year, there have been some hopeful signs with regard to the conflict between Armenia and Azerbaijan—most notably the implementation of a cease-fire. I hope that the memory of the Armenian genocide, as well as the sight of the suffering of the Armenian and Azeri peoples, will spur a peaceful resolution to the dispute.

The legacy of the Armenian genocide has not succeeded in deterring subsequent acts of genocide. However, it is